

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAMON MARISCAL ALVAREZ,

Plaintiff,

v.

ZAGARY Z. HELMS, and  
THOMAS JEFFERSON,

Defendants.

NO. 2:21-CV-0019-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is the Court's Order to Comply with Filing Fee or *In Forma Pauperis* Requirements. ECF No. 3. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

On January 6, 2021, Plaintiff filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, along with a blank application to proceed *in forma pauperis*. ECF No. 1. The Complaint contains no allegations whatsoever. By letter dated

1 January 8, 2021, the Clerk of Court advised Plaintiff that he must complete and  
2 return a Declaration and Application to Proceed *in forma pauperis* and a statement  
3 of his inmate account OR pay the applicable fee of \$402.00 (\$350.00 filing fee,  
4 plus \$52.00 administrative fee) in order for his case to proceed. ECF No. 2. The  
5 Clerk of Court supplied him with the forms. *Id.* In addition, the Clerk of Court  
6 notified Plaintiff that he must sign his complaint as required by Rule 11, Federal  
7 Rules of Civil Procedure. *Id.* Plaintiff has not complied with these directives and  
8 has filed nothing further in this action.

9 On March 5, 2021, this Court allowed Plaintiff 30-days to amend his  
10 complaint by providing factual allegations and a signature. ECF No. 3.  
11 Additionally, the Court ordered Plaintiff to either pay the filing fee or submit a  
12 completed and signed Declaration and Application to proceed *in forma pauperis*,  
13 within 30-days. *Id.* Plaintiff was warned that the failure to timely provide a signed  
14 amended complaint and pay the filing fee or submit the documents necessary to  
15 proceed *in forma pauperis*, would result in the dismissal of this case. *Id.*

16 Plaintiff has not complied with the Court's Order.

17 Parties filing actions in the United States District Court are required to pay  
18 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
19 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28  
20 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of

1 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th  
2 Cir. 1995) (district court has authority to dismiss complaint for failure to pay  
3 partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992) (affirming  
4 dismissal of appeal of *pro se* litigant for failure to pay required filing fees).

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**


6 1. This action is **DISMISSED** without prejudice for failing to submit a signed  
7 Complaint with factual allegations and for failing to pay the filing fee or  
8 filing a properly completed Application to Proceed *In Forma Pauperis*  
9 pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

10 2. The Court certifies any appeal of this dismissal would not be taken in good  
11 faith.

12 The District Court Executive is directed to enter this Order, enter judgment  
13 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

14 **DATED** April 6, 2021.



  
THOMAS O. RICE  
United States District Judge